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7 Attorneys for defendants and counterclaimants
 8 ROMI MAYDER, SILICON TEST SYSTEMS, INC.,
 SILICON TEST SOLUTIONS LLC, and WESLEY
 MAYDER

9 IN THE UNITED STATES DISTRICT COURT

10 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 SAN JOSE DIVISION

13 VERIGY US, INC., a Delaware Corporation,

14 Plaintiff,

15 v.

16 ROMI MAYDER, an individual; WESLEY
 17 MAYDER, an individual; SILICON TEST
 SYSTEMS, INC., a California Corporation;
 and SILICON TEST SOLUTIONS, LLC, a
 18 California Limited Liability Corporation,
 inclusive,

19 Defendants.

Case No. 5:07-cv-04330-RMW (HRL)

**DECLARATION OF TIM C. HALE IN
SUPPORT OF DEFENDANTS' MOTION
TO COMPEL POCHOWSKI DOCUMENTS**

Before: Judge Ronald Whyte

Date: September 30, 2008

Time: 9:00 a.m.

Ctrm.: 2

Before Mag. Howard Lloyd

Complaint Filed: August 22, 2007
 Trial Date: December 8, 2008 (jury trial)
 (Defendants have elected to reserve their jury
 trial rights under F.R.C.P., Rule 38)

23 AND RELATED COUNTERCLAIMS.

24 **HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY**

25 **DOCUMENT SUBMITTED UNDER SEAL**

1 I, Tim C. Hale, hereby declare as follows:

2 1. I am a member of the law firm of Russo & Hale LLP, counsel for defendants Romi
 3 Mayder, Silicon Test Systems, Inc., Silicon Test Solutions LLC, and Wesley Mayder in this
 4 action. I am a member in good standing for over 20 years of the State Bar of California, licensed
 5 to practice in the Northern District of California. I make the statements herein of my personal
 6 knowledge, and if called upon to testify in this Court, my testimony would be as stated herein.

7 2. Attached hereto as Exhibit 1 is a true and correct copy of what I am informed and
 8 believe was the first document request propounded by the Defendants in this action and which I
 9 am informed and believe was served upon Verigy by Defendants' prior counsel.

10 3. Attached hereto as Exhibit 2 is a true and correct copy of what I am informed and
 11 believe is Plaintiff Verigy US, Inc.'s ("Verigy") response to Defendants' first document request.

12 4. Attached hereto as Exhibit 3 is a true and correct copy of what I am informed and
 13 believe is a privilege log that Verigy produced along with its response to the first request for
 14 documents from Defendants.

15 5. Attached hereto as Exhibit 4 is a true and correct copy of selected pages of what I
 16 am informed and believe is the deposition transcript from a deposition taken in this action from
 17 Robert Pochowski on October 2, 2007.

18 6. Attached hereto as Exhibit 5 is a true and correct copy of a letter I received from
 19 Verigy counsel, Mr. Stebbins, written in response to my earlier letter to him in which I identified
 20 the issues we had with the withheld documents, a true and correct copy of which is attached hereto
 21 as Exhibit 6. In that letter, Mr. Stebbins made clear that Verigy's basis for claiming a common
 22 interest with Mr. Pochowski was that both Verigy and Pochowski either were involved or feared
 23 involvement in legal action with a common adversary, Romi Mayder. That is not a proper basis
 24 for claiming common interest, and as noted in Defendants' papers, the interest between Verigy and
 25 Pochowski is much more likely to be at odds, not common.

26 7. Attached hereto as Exhibit 7 is a true and correct copy of selected pages of what I
 27 am informed and believe is the deposition transcript from a deposition taken in this action of
 28 Robert Pochowski on November 19, 2007.

1 8. After I sent my initial letter to Verigys counsel (Ex. 6) and received the letter back
2 from Mr. Stebbins, I awaited the return of Mr. Pochowski's attorney, Heather Flick, who Mr.
3 Stebbins said was out until July 24, 2008. On July 31, 2008, having heard nothing from Mr.
4 Stebbins or Ms. Flick, I again wrote Mr. Stebbins asking about the meet and confer. Mr. Stebbins
5 responded suggesting a date the following week, August 5, 2008, for the meet and confer. On
6 August 5, 2008, Ms. Flick, Paul Ehrlich, Esq., Mr. Stebbins and Ms. Morton and I met and
7 conferred telephonically, but were unable to resolve the issues presented in this discovery motion.

8 9. Attached hereto as Exhibit 8 is a true and correct copy of an amended privilege log
9 served by Verigty after the parties' meet and confer session.

10 I declare under penalty of perjury under the laws of the United States of America that the
11 forgoing is true and correct. Executed on August 26, 2008 in Palo Alto, California.

/s/ Tim C. Hale
Tim C. Hale